

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT KNOXVILLE

MICHAEL B. REED, et al.,	)	
	)	
	)	
Plaintiffs,	)	
	)	
v.	)	Nos. 3:18-cv-00201 (Lead)
	)	3:18-cv-00308
	)	3:18-cv-00310
UNITED STATES OF AMERICA	)	3:19-cv-00283
	)	3:19-cv-00296
	)	3:20-cv-00149
Defendant.	)	3:19-cv-00474
	)	3:19-cv-00469
	)	3:19-cv-00470
	)	3:19-cv-00472
	)	3:19-cv-00478

**ORDER**

On November 6, 2024, counsel for the Individual Plaintiffs, Subrogation Plaintiffs, and the United States participated in a telephone hearing regarding their Joint Discovery Plan and Proposed Scheduling Order [Doc. 200]. For the reasons stated on the record during the hearing, the Court **ORDERS** as follows:

Within **120 days** of the entry of this Order, the parties may take up to five (5) depositions related to jurisdictional issues. If the parties find that additional depositions are needed, they may file an appropriate motion. Depositions shall be strictly limited to jurisdictional issues and should not involve the broader merits of the case unless the broader merits of the case are so intertwined with jurisdictional issues that it is impracticable to separate the two. Any disputes regarding whether a merits-related issue is sufficiently intertwined with jurisdictional issues will be addressed during the deposition by the Magistrate Judge assigned to the case.

No later than **thirty (30) days** from the close of discovery, the United States **SHALL**

refile their motion to dismiss. The plaintiffs shall file their response within **twenty-one (21) days** and any reply by the United States shall be filed no later than **seven (7) days** after service of the plaintiffs' response.

The Individual Plaintiffs have expressed a desire to resurrect certain claims which they previously abandoned. Any motion to resurrect those claims **SHALL** be filed within **thirty (30) days** of the entry of this Order.

In addition, the Individual Plaintiffs have raised concerns that the United States failed to produce certain documents, which the United States referenced in its filings with the Sixth Circuit Court of Appeals. If plaintiffs determine that the documents they seek were covered by their original request for production, they **SHALL** confer with the United States within **ten (10) days** of the entry of this Order to find a resolution. If no resolution is reached, plaintiffs shall have **twenty (20) days** in which to file a motion to compel. If the documents that plaintiffs request were not covered by the original request for production of documents, plaintiffs must seek leave of Court to file an additional document request. The Court disfavors any such request that will require the United States to review, again, the entirety of the voluminous records it reviewed in response to the original request for production of documents.

If the Subrogation Plaintiffs wish to proceed with discovery on a separate track from the Individual Plaintiffs, they should submit an appropriate motion. Agreed orders changing any deadlines will not be entered.

So ordered.

ENTER:

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s/J. RONNIE GREER  
UNITED STATES DISTRICT JUDGE